

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the present application are respectfully requested in view of the amendments to the claims and remarks presented herewith, which place the application into condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-38 are pending in this application. Claims 28-38 have been allowed. By this paper, Claims 1 and 17 have been amended, without prejudice. Support for this amendment can be found throughout the Specification; specifically in ¶¶ 54 and 58 of the instant application. No new matter has been introduced by this amendment. Support for the amended recitations can be found throughout the specification.

It is submitted that all the claims are patentably distinct from the prior art, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The remarks made herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112; but rather the remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE REJECTIONS UNDER 35 U.S.C. § 103(a) HAVE BEEN OVERCOME

In the Office Action, claims 1-4, 6-12, 14 and 17-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,853,547 to Ahrens et al. ("Ahrens") in view of U. S. Patent No. 4,171,009 to Karm ("Karm"). The rejections are traversed for at least the following reasons.

Amended claim 1 recites, *inter alia*:

“A papermaker's fabric comprising a top layer of cross-machine direction (CD) weft yarns; the top layer having at least two different diameter, size, or shape weft yarns in a same contour to produce a plane difference in the forming surface of the fabric ... wherein said top layer of CD weft yarns form long floats on the forming surface of the fabric; wherein the top layer produces a forming surface impression with a preferred pocket marking pattern.” (emphasis added)

As understood by the Applicants, Ahrens relates to a forming fabric comprising a single layer having machine direction filaments interwoven with alternating smaller and larger cross direction filaments to form a pattern of knuckles and baskets. Each machine direction filament weaves over seven cross direction filaments, three of those being of larger diameter and four being of smaller diameter, and the smaller diameter cross direction filaments forming central support members at the bottom of the baskets. Therefore, Ahrens basically discloses a warp dominated surface with long floats in MD. On the contrary, the instant invention teaches a weft dominated surface with the longer floats in CD. Moreover, Ahrens does not teach or disclose that its top layer CD yarns have the same contour. One of the important features of the fabric according to the present invention is to maintain the same contour for top layer CD weft yarns such that a forming surface impression with a preferred pocket marking pattern is formed.

As understood by the Applicants, Karm relates to an endless forming fabric comprising at least two layers of CD yarns and one layer of MD yarns i.e. a double layered fabric. The upper loops formed by the MD yarns cover from three to seven CD yarns of the upper layer. The leading crossing points of these upper loops with the CD yarns are distributed in a weave pattern using at least five MD yarns. The lower loops formed by the MD yarns, on the machine side of the fabric, pass each time only underneath a single CD yarn of the lower layer. However, in column 2, lines 57-62 and column 5, lines 64-68 of Karm, it is disclosed that the use of longitudinal floats in the MD is in order to contact the sheet of paper and avoid the CD yarns from creating

sheet marks. On the contrary, the instant invention teaches that it is better to achieve sheet contact using longer CD floats on the forming surface of the fabric, and not MD floats. Additionally, Karm also does not teach or disclose that its top layer CD yarns have the same contour. Therefore, neither Ahrens nor Karm, taken alone or in combination teach or disclose the above identified feature of claim 1. Specifically, neither of the references teach or suggest the top layer weft yarns having the same contour to produce a plane difference in the forming surface of the fabric, wherein the top layer of CD weft yarns form long floats and produce a forming surface impression with a preferred pocket marking pattern.

Claims 1-4, 6-10, 12, 14, 17-20 and 22-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,839,479 to Gulya et al. ("Gulya") in view of Karm

As understood by the Applicants, Gulya relates to a papermaking fabric for increasing bulk in the paper sheet during forming or through air drying which is comprised of a system of MD filaments selectively interwoven with a system of CD filaments having smaller and larger filament subsets. Gulya shows a specific relationship between the floats on paper side vs. the bottom side. The MD filaments and larger CD filaments of Gulya define maximum float lengths on opposite sides of the fabric that differ by no more than one filament of the other system. For example, looking at figure 2 there is a wear side MD float of five, the large CD yarn contour of figure 4 there is a sheet side float of four and looking at the small CD yarn contour of figure 3 there is a sheet side float of three. Therefore the large CD yarns have longer floats than small CD yarns and the MD yarns have longer floats than the large CD yarns. Additionally, the large and small diameter CD yarns of Gulya do not have the same contour. *Gulya* figures 3 and 4. Lastly, the MD float on the wear side of the instant invention is only 1 while the large CD yarn contour on the forming side has a float of 7. Applicants submit that the fabric according to the

present invention does not follow the relationship between the floats on paper side vs. the bottom side of the fabric according to Gulya and that though Gulya teaches long floats using its CD yarns, both CD yarns do not have the same contour in a weave pattern. Therefore, neither Gulya nor Karm teach or disclose their top CD yarns having the same contour or as having long floats of CD weft yarns on the forming side of the fabric, as recited in instant claim 1.

Claims 1-4, 6-12, 14 and 17-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,817,213 to Ostermayer et al. ("Ostermayer") in view of Karm.

As understood by the Applicants, Ostermayer relates to a method of forming a paper web on a support surface of a paper forming fabric having diagonal rows of depressed pockets arranged in spaced fashion along the length and diagonally. The rows of pockets are separated and defined by diagonal strips formed by a set of MD yarn crossovers and a set of CMD yarn crossovers and transverse strips formed by another set of CMD yarn crossovers and the set of MD yarn crossovers, both yarn crossovers lying along a common plane.

Ostermayer basically teaches a single layered structure with the purpose to shape a formed web in a TAD position and then transfer the web to the Yankee dryer. The fabric is a TAD fabric woven with coarse yarns and they are open in comparison with wet forming fabrics. The illustrated surface in figures 1 and 2 is a warp dominated 5-shed with short CD knuckles. However, the instant invention is a fabric having a weave pattern higher than 5-shed. The fabric according to the instant invention is not a single layered fabric like Ostermayer's but a multilayered structure such as a double layered fabric. In addition, Ostermayer does not teach the CD weft yarns forming long floats on the forming surface of the fabric as recited in instant claim 1. According to Ostermayer's disclosure, the short CD knuckles on the forming side of the fabric

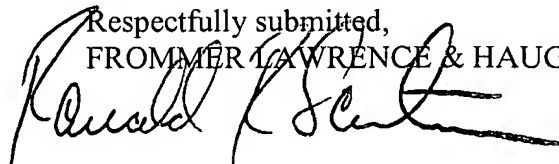
form compressed zones or rows that are separated with diagonally arranged arrays of uncompressed pillow like zones of uncompressed fibers. Therefore, due to its weave pattern, Ostermayer's fabric will result in a web surface that is differently patterned from that of the instant invention. Lastly, neither Ostermayer nor Karm, taken alone or in combination teach or disclose the distinguishing feature of claim 1. Specifically, neither of the references teach or suggest the top layer of CD weft yarns form long floats to produce a forming surface impression with a preferred pocket marking pattern.

Therefore, Applicants submit that claims 1 and 17 of the instant application are patentable over the prior art. In addition, since other claims depend from either claim 1 or 17, Applicants submit that all of the claims in this application are patentable.

CONCLUSION

By this Amendment, this application is believed to be in condition for allowance. Favorable reconsideration of the application, withdrawal of the rejections, and prompt issuance of the Notice of Allowance are, therefore, all earnestly solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP


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